

APPEAL NO. 040345  
FILED APRIL 6, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 21, 2004. The hearing officer determined that appellant (claimant) did not sustain an injury in the course and scope of his employment; that claimant did not timely report his injury; and that claimant did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant complains that Mr. K was permitted to remain in the hearing room as the employer representative. Claimant did not object to the testimony of Mr. K. The attorney for the carrier represented that the employer was no longer in business, and that the employer had been a staff leasing company that "co-employed" claimant along with (Company A). Mr. K said he worked for Company A as a manager. The employer had the right to be present at the hearing. We conclude that the hearing officer did not abuse his discretion in permitting Mr. K to stay in the hearing as the employer's representative. Claimant also complains that certain witness statements were undated. We have reviewed the record and claimant's contentions and conclude that claimant has not shown reversible error in this regard.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge